

REMARKS

Status of the Claims

Claims 1-58 were pending in the instant case at the time of examination. The Office Action required a restriction of the claims to one of VIII inventions as discussed in detail below. Applicants' response to the restriction requirement is presented below. After responding to the restriction requirement, Applicants cancel claims 1-58 without prejudice or disclaimer and present new claims 59-65 for further examination. These claims correspond to the elected group and are fully supported by the specification as filed. Applicants respectfully request entry of the foregoing amendments and remarks in the file history of the instant application

Election of Invention pursuant to 37 C.F.R. §1.142

The claims of the present application were subject to the following restriction pursuant to 35 U.S.C. §121:

- Group I:** Claims 1, 7, 8 and 12 drawn to a nucleic acid sequence, vector and host cell;
- Group II:** Claims 3-6, 9, 10, 13 and 14 drawn to an isolated nucleic acid encoding an ob polypeptide;
- Group III:** Claims 11, 15 and 16 drawn to probes and primers;
- Group IV:** Claims 17-20, drawn to an ob polypeptide;
- Group V:** Claims 21, 22 and 28-36 drawn to immunogenic peptide fragments and antibodies;
- Group VI:** Claims 37-48 drawn to methods and kits for screening ob polypeptides;
- Group VII:** Claims 51-55 drawn to methods of reducing body weight and compositions therefor; and
- Group VIII:** Claims 56-58 drawn to methods of increasing body weight and compositions therefor.

Applicants respond to this restriction requirement by electing, without traverse, the claims of **Group IV** *i.e.*, claims 17-20 drawn to an ob polypeptide. New claims 59-64 correspond to elected claims 17-20.

Support for New Claims

New claims 59-65 correspond to elected claims 17-20 which have been cancelled herein without prejudice or disclaimer. The new claims are fully supported by the specification as filed. Entry of these new claims by amendment does not introduce new matter in the application. Merely by way of example, support for the new claims may be found as follows:

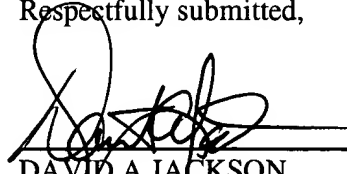
| New Claim Number | Support in Specification |
|-------------------------|--|
| 59 | original claims 18, 19 and 20; pages 11-12, Figure 4; pages 18-19; pages 69-72 |
| 60 | original claims 18, 19 and 20; pages 11-12, Figure 4; pages 18-19; 69-72 |
| 61 | original claims 18, 19 and 20; pages 34-35 and pages 73-74 |
| 62 | original claims 18, 19 and 20; pages 34-35 and pages 73-74 |
| 63 | original claim 23; pages 34-38 |
| 64 | pages 38-39 |
| 65 | pages 25-26 and pages 50-51 |

Conclusion

The Claims as presented herein are believed to be in condition for allowance, and early indication of such a favorable indication is respectfully requested. The Examiner is

invited to call the undersigned at the number listed below should the Examiner have any questions or comments relating to this submission.

Respectfully submitted,



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